

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Falciglia et al. Art Unit : 2831
Patent No: 5,708,235 Examiner : Nguyen
Issue Date: January 13, 1998
Reissue Application SN: 09/482,340
Reissue Application Filed: January 13, 2000

Title: ARMORED CABLE

Director of Patents
Washington, D.C. 20231

DECLARATION BY THE INVENTORS

I declare that:

My residence, post office address, and citizenship are stated next to my name below.

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a reissue patent is sought on the invention entitled: ARMORED CABLE the specification of which was filed on January 13, 2000, and identified as Attorney Docket No. 01082-010004, as reissue application serial no. 09/482,340, as amended by a preliminary amendment also filed on January 13, 2000, and by a supplemental preliminary amendment filed on October 19, 2000.

I have reviewed and understand the contents of the specification, including the claims, as amended by the preliminary amendment and the supplemental preliminary amendment.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance 37 CFR §1.56(a).

I believe the issued patent to be wholly or partly inoperative because we claimed more or less than we had a right to claim in the patent.

Through error, the claims in the issued patent did not include claims of the scope now being presented in the reissue application.

The error arose during prosecution of the issued patent because I was not then aware of positions that might be taken by infringers during litigation in an effort to avoid the claims of the issued patent. Even though the infringers' positions may be without merit because the issued claims are broad enough to cover such infringements, the additional claims added in the preliminary amendment will help to vitiate those positions.

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Attorney's Docket No 01082-010005

In particular, the issued independent claims of the 5,708,235 patent claim an armored cable sheath comprising, inter alia, a pattern of visible indicia..., said pattern being repeated along the length of said sheath (issued claim 1); apparatus comprising, inter alia, a tubular conductive sheath..., visual indicia spanning between the first and second ends of the sheath... (issued claim 2); and apparatus comprising, inter alia, a tubular conductive sheath..., a substantially conductive coating disposed on the outer surface of the sheath... (issued claim 30). As an example of an error, i.e., that we claimed more or less than we had a right to claim, we were entitled to claim "...a sheath with visible indicia displayed along at least a portion of the sheath between the first and second ends of the sheath" (as in reissue claim 35). Other examples of such errors are reflected in the wording of others of the reissue claims.

The error arose without any deceptive intention on my part.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: James W. Falciglia

Inventor's signature: James W. Falciglia

Date: 06/28/2001

Residence: 209 River Farms Drive, West Warwick, RI 02893

Citizen of: United States

Post Office Address: same as above

Applicant Falciglia et al.
Patent No. 5,708,235
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Page 3

Attorney's Docket No.: 01082-010005

Full name of inventor: Anthony J. Mauro

Inventor's signature: Anthony J. Mauro

Date: 6/28/01

Residence: 20 Walnut Street, Assonet, MA 02702

Citizen of: United States

Post Office Address: same as above

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Attorney's Docket No.: 01082-010005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Falciglia et al. / Art Unit :
Patent No: 5,708,235 Examiner :
Issue Date: January 13, 1998
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Title: ARMORED CABLE

Director of Patents
Washington, D.C. 20231

DECLARATION BY THE INVENTORS

I declare that:

My residence, post office address, and citizenship are stated next to my name below.

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a reissue patent is sought on the invention entitled: ARMORED CABLE the specification of which was filed on January 13, 2000, and identified as Attorney Docket No. 01082-010004, as reissue application serial no. 09/482,340, as amended by a preliminary amendment also filed on January 13, 2000.

I have reviewed and understand the contents of the specification, including the claims, as amended by the preliminary amendment.

I acknowledge the duty to disclose information that is material to the examination of this application in accordance 37 CFR §1.56(a).

The reissue application is being filed to broaden the coverage of the issued patent. At least one of the new claims added by the preliminary amendment is broader in at least one respect than the claims of the issued patent.

I believe the issued patent to be wholly or partly inoperative or invalid because I claimed more or less than I had a right to claim in the patent.

Through error, the claims in the issued patent did not include claims of the scope now being presented in the reissue application.

The error arose during prosecution of the issued patent because I was not then aware of positions that might be taken by infringers during litigation in an effort to avoid the claims of the issued patent. Even though the infringers' positions may be without merit because the issued

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Attorney's Docket No.: 01082-010005

claims are broad enough to cover such infringements, the additional claims added in the preliminary amendment will help to remove those positions from future litigation and thus provide more complete and effective protection for my invention.

The error arose without any deceptive intention on my part.

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: James W. Falciglia

Inventor's signature: James W. Falciglia

Date: August 9, 2000

Residence: 209 River Farms Drive, West Warwick, R.I. 02893

Citizen of: USA

Post Office Address: Same above.

Full name of inventor: Anthony J. Mauro

Inventor's signature: Anthony J. Mauro

Date: August 9, 2000

Residence: 50 Walnut St. Assonet MA 02702.

Citizen of: USA

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PATENT
ATTORNEY DOCKET NO. 01082/010001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James W. Falciglia et al.
Serial No.: 07/865,334
Filed : April 8, 1992
For : ARMORED CABLE

Commissioner of Patents and Trademarks
Washington, DC 20231

RECEIVED
JUN 29 11 00 29
U.S. PATENT & TRADEMARK OFFICE

TRANSMITTAL OF ASSIGNMENT FOR RECORDING

Enclosed for recording in the records of the PTO is an assignment of the above-captioned patent application from James W. Falciglia and Anthony J. Mauro to MONOGRAM INDUSTRIES, INC. Please return the recorded document to the undersigned at the address below.

Also enclosed is a check for \$40.00 in payment of the required fee. Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 6/8/92

David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson
225 Franklin Street
Boston, MA 02110-2804

Telephone: 617-542-5070
Facsimile: 617-542-8906

93292652

Date of Deposit 6-8-92
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ASSIGNMENT

For valuable consideration, we, James W. Falciglia, of East Greenwich, Rhode Island; Anthony J. Mauro of Assonet, Massachusetts; hereby assign to MONOGRAM INDUSTRIES, INC., a Delaware Corporation having a place of business at New Bedford, MA, and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent Serial No. 07/865,334, filed April 8, 1992, entitled ARMORED CABLE

this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, and design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at New Bedford, MA this 5th day of June, 1992

James W. Falciglia L.S.
First Middle Initial Last

STATE OF Massachusetts:

COUNTY OF Bristol:

:SS.

Before me this 5th day of June, 1992, personally appeared James W. Falciglia known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

[Signature]

Notary Public

My Commission Expires:

[Notary's Seal Here]

My Commission Expires May 27, 1994

IN WITNESS WHEREOF, I hereto set my hand and seal at New Bedford, MA

this 5th day of June, 1992

Anthony J. Mauro L.S.
First Middle Initial Last

STATE OF Massachusetts:

:SS.

COUNTY OF Bristol:

Before me this 5th day of June, 1992, personally
appeared Anthony J. Mauro known to me to be the person whose
name is subscribed to the foregoing Assignment and acknowledged that he executed the
same as his free act and deed for the purposes therein contained.

[Signature]

Notary Public

My Commission Expires:

My Commission Expires May 27, 1994

[Notary's Seal Here]

RECORDED
PATENT AND TRADEMARK
OFFICE

JUN 15 1992

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Falciglia, et al.
Serial No. : 09/482,340
Filed : January 13, 2000
Title : ARMORED CABLE

Art Unit : Unknown
Examiner : Unknown

Director of Patents
Washington, D.C. 20231

CONSENT OF ASSIGNEE

The undersigned, WPFY, Inc., being the assignee of the above-referenced U.S. Application No. 09/482,340, a reissue application of U.S. Patent No. 5,708,235, by virtue of the following chain of title (copies of which are attached):

an assignment from the inventors of application Serial No. 07/865,334, filed April 8, 1992, to Monogram Industries, Inc., recorded on June 15, 1992, at Reel/Frame 6205/0690-92; the above reissue application is a continuation of 08/458,642, filed on June 2, 1995, now issued as U.S. Patent No. 5,557,071, which is a continuation of 08/139,314, filed on October 19, 1993, now issued as U.S. Patent No. 5,468,914, which is a divisional of 07/865,334, filed on April 8, 1992, now issued as U.S. Patent No. 5,350,885; as set forth in the attached statement from the Office of the Secretary of State of the State of Delaware (Authentication No. *4168887, dated December 1, 1993), Monogram Industries, Inc., changed its name to AFC Cable Systems, Inc., on October 7, 1993; and

an assignment from AFC Cable Systems, Inc., to WPFY, Inc. recorded on October 4, 1994, at Reel/Frame 7156/0277-81,

hereby consents to the reissue application.

WPFY, Inc.

Date: 8/9/00

By: Robert R. Wheeler
Name: ~~Raymond Keller~~ Robert R. Wheeler
Title: President

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